

1 UNITED STATES DISTRICT COURT
2 FOR THIS DISTRICT OF WYOMING
3 CASE NO. 13CV118-S

4 **DEPOSITION OF TIMOTHY MELLON**



5 TIMOTHY MELLON,
6 a Wyoming resident,

7 Plaintiff,

8 vs.

9 THE INTERNATIONAL GROUP
10 FOR HISTORIC AIRCRAFT RECOVERY,
11 a Delaware non-profit corporation;
12 and RICHARD E. GILLESPIE,

13 Defendants.

14 123 West First Street, Suite 200
15 Casper, Wyoming
16 Monday, March 31, 2014

17 PURSUANT TO NOTICE, the deposition of
18 **TIMOTHY MELLON** was taken in accordance with the
19 applicable Wyoming Rules of Civil Procedure at 123
20 West First Street, Suite 200, Casper, Wyoming,
21 commencing at the hour of 9:03 a.m., the 31st day of
22 March 2014, before me, Janet K. Jamieson, a Certified
23 Court Reporter and Notary Public of the State of
24 Wyoming.
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1 Q. And just to be clear, before your gift, the
2 only person you met with who was associated with
3 TIGHAR was Mr. Gillespie?

4 A. Correct.

5 Q. And who did you consult with before making
6 your gift?

7 A. Mr. Gillespie.

8 Q. Anyone else? Your financial advisors, an
9 accountant, a lawyer, anybody else?

10 A. No.

11 Q. Why don't you walk me through how you came
12 to make that gift. You told us that you got the
13 notorious Star-Tribune. If you can start there, just
14 walk me through that up through making the gift,
15 please.

16 A. Well, I think I called Mr. Gillespie, or
17 emailed him, and he called back and we talked and I
18 said I was interested in the -- in this project. And
19 I think he gave me some -- said he would send me some
20 materials, which he did, and I reviewed those and
21 probably did some looking into the -- I was quite
22 convinced by the notion of those radio transmissions,
23 so I did look through those. And then Mr. Gillespie
24 agreed to come up to basically talk about a
25 contribution and the amount and the timing of it, and

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1 so forth, and then I instructed my banker to forward
2 some stock certificates to TIGHAR.

3 Q. Based on your discovery responses, I believe
4 the decision to make that gift was yours and yours
5 alone.

6 A. That's correct.

7 Q. And the amount of the gift was decided by
8 you and you alone.

9 A. That's correct.

10 Q. And Mr. Gillespie didn't request a
11 particular dollar amount.

12 A. No, he did not.

13 Q. Before you reached out to Mr. Gillespie, had
14 you heard of him before?

15 A. No.

16 Q. And if I understand your discovery responses
17 correctly, you didn't do any research into
18 Mr. Gillespie before your gift.

19 A. No.

20 Q. No, you didn't?

21 A. I did not.

22 Q. And you didn't do any research into TIGHAR
23 before your gift; is that correct?

24 A. Just what I've told you about in the last
25 three minutes.

23

1 Q. In connection with that gift, did you sign
2 any agreement with TIGHAR, any written agreement?

3 A. There were agreements signed to do with the
4 expedition, but not specifically with the gift,
5 except that the receipt was countersigned by
6 Mr. Gillespie for my tax records.

7 Q. Mr. Mellon, I'm going to mark this as
8 Deposition Exhibit 1. There's a copy for you, and I
9 think I might have made enough for everyone. And
10 when I say for you, I should say that's the original
11 that you have and we'll give that to the court
12 reporter when we're done, okay?

13 A. (Nodding head.)

14 Q. I'd represent to you that that is a copy of
15 your Initial Disclosures that were sent to us by your
16 attorneys after this lawsuit was signed. It does not
17 include the -- it includes two pages stamped
18 Mellon-00001 and 2, but the balance of the
19 attachments aren't included because I didn't think
20 I'd need to refer to them.

21 So if you would, take just a moment and see
22 if you agree that that looks like a copy of those.

23 A. What is your question, is this a copy of
24 what?

25 Q. I just want you to see if you believe that's

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1 an accurate copy of those Initial Disclosures, if it
2 appears to be?

3 A. Well, it has Mr. Stubson's signature on it,
4 so I would say yes.

5 Q. If you will look to the attachments, down in
6 the bottom right-hand corner, Mellon 1, do you see
7 that?

8 A. Yes.

9 Q. What is that?

10 A. It's a letter from my banker to
11 Mr. Gillespie outlining the nature of the gift of
12 shares of Phillip Morris stock.

13 Q. To your knowledge, is that the only document
14 connected with your donation other than the actual
15 check?

16 A. There was no check, it was a --

17 Q. Stock transfer?

18 A. Stock transfer, yes.

19 Q. All right. Are you aware of any other
20 documents associated with this gift?

21 A. No.

22 Q. And you chose the Phillip Morris stock as
23 the substance of the gift?

24 A. Yes.

25 Q. Did you ever communicate to Mr. Gillespie,

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1 **A. No, we had telephone conversations.**

2 **Q. Okay. As far as written documents, is that**
3 **all?**

4 **A. I don't -- I don't -- I don't know one way**
5 **or the other. If you can show me something that you**
6 **want me to determine whether it was before or after**
7 **the gift, I might be able to do it.**

8 **Q. Would it be fair to say that based on your**
9 **recollection, that letter from Mr. Gillespie that we**
10 **looked at a minute ago is the only written thing you**
11 **received from him before your gift, as best you can**
12 **recall?**

13 **A. I'm sorry, I can't remember anything else,**
14 **but it doesn't mean there wasn't something else.**

15 **Q. Fair enough.**

16 **How many phone calls do you recall having**
17 **with Mr. Gillespie before your gift?**

18 **A. Two or three. I don't remember exactly.**

19 **Q. Can you describe for me the nature of those**
20 **discussions?**

21 **A. The first was just an expression of interest**
22 **in the project and an interest in making a donation**
23 **toward it.**

24 **Q. Do you remember if you discussed the**
25 **upcoming 2012 expedition before your gift?**

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1 **A. That's what it would have been for, so yes.**

2 **Q. Okay. Did you discuss you participating in**
3 **that before your gift?**

4 **A. I don't remember when the first discussion**
5 **was talking about that, no.**

6 **Q. Let me shift gears on you and talk about the**
7 **videos, in particular the 2010 video. When do you**
8 **remember seeing something in that 2010 video?**

9 **A. I think the first time was on the ship when**
10 **Mr. Gillespie was looking at certain footage in**
11 **shallow water and thought there might be an object**
12 **worth investigating.**

13 **Q. Can you elaborate on that a little bit?**
14 **What did you see? Were you just casually going**
15 **through this? Did someone have a question and**
16 **everybody gathered? Can you give me some more**
17 **detail?**

18 **A. We were all sitting in a conference room in**
19 **the middle of the ship and Mr. Gillespie had his**
20 **station on one side, a desk and bookshelves above and**
21 **several computers, and he was looking at video. It**
22 **was all light blue. It was shallow water. I don't**
23 **remember how the subject came up, but we got to**
24 **looking at it together and there appeared to be**
25 **something that could have been the shape of an**

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1 **airfoil or part of an airplane. It didn't pan out.**

2 **After looking at it and getting other people's**
3 **opinions, it looked like it may have been a piece of**
4 **rope, or something else of that shape, against a bank**
5 **of sand or coral.**

6 **Q. And was the footage you were watching, was**
7 **it that 2010 footage or 2012?**

8 **A. It was -- that had to be 2010, because there**
9 **was no 2012 at that point.**

10 **Q. You weren't looking at what someone might**
11 **call dailies, you know, from the expedition, during**
12 **the --**

13 **A. As I recall, those were not available to**
14 **look at, even the standard definition. Maybe Mark**
15 **Smith was able to look at them, but I don't remember**
16 **seeing any of them.**

17 **Q. When you say it didn't pan out, what did --**
18 **what happened with it? I mean, did you -- you saw**
19 **the video, so what -- did people decide to go look**
20 **for it, was there a debate about whether --**

21 **A. You will have to ask Mr. Gillespie. I only**
22 **saw what I was shown, and I had no part in deciding**
23 **whether to look further or not, so --**

24 **Q. Were you there while that discussion took**
25 **place?**

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1 **A. I was looking at the video with him --**

2 **Q. Okay.**

3 **A. -- at the same time.**

4 **Q. I guess I had it in my head that there were**
5 **other people there.**

6 **A. There may have been, I don't remember.**
7 **Wolfgang Burnside came in and looked at it and said**
8 **no, I don't think so. I remember him opining.**

9 **Q. Did you agree with that?**

10 **A. I had no way of knowing one way or the**
11 **other.**

12 **Q. When was the first time that you personally**
13 **thought that you recognized something in the 2010**
14 **footage?**

15 **A. I believe it was after Mr. Balderston posted**
16 **pictures of certain elements from the 2010 high**
17 **definition video, which would have been after the**
18 **return of the expedition of the 2012.**

19 **Q. Had you had any communication with**
20 **Mr. Balderston before that?**

21 **A. No.**

22 **Q. Okay. So you didn't know who he was?**

23 **A. No.**

24 **Q. And you read -- I'm assuming that was on the**
25 **forum?**